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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,923	11/04/2003	Hiroki Fukuda	00862.023318	3880
5514 7590 08/31/2007 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			EXAMINER WILLS, LAWRENCE E	
			ART UNIT 2609	PAPER NUMBER
			MAIL DATE 08/31/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/699,923

Applicant(s)

FUKUDA, HIROKI

Examiner

Lawrence E. Wills

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_\_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12, 14-19 and 21-26 is/are rejected.
- 7) ☒ Claim(s) 13, 20, 25 and 26 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date See Continuation Sheet.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :12/04/2006, 12/15/2006, 8/9/2007.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 101***

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 25 and 26 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. *Specifically, the "program for managing job information" is functional descriptive material, since the program is not imparting functionality to a control unit or on a computer readable medium. The claim rejection can be overcome by changing "program for managing job information" to "program for managing job information stored on a computer readable medium" or "program for managing job information stored on a memory unit and retrieved to be executed by a control unit".*

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-12, 14-19, 21-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Gase et al. (US Patent 5,580,177).

**With regard to claims 1, 2, 25, and 26,** Gase teaches an information processing method of recording or accumulating job information on a job issued from an information processing apparatus connectable to an image forming apparatus, comprising: an acquisition step of acquiring the job information from the information processing apparatus or the image forming apparatus (print queue 42); a determination step of determining whether to record or accumulate the job information acquired in the acquisition step, in accordance with a driver which generates data of the issued job (printer/driver table 36); and a recording/accumulation step of recording or accumulating the job information determined in the determination step to be recorded or accumulated, (printer driver procedure), (Column 3 line 50-Column 4 line 26)

**With regard to claims 3 and 6,** Gase teaches the method wherein in the determination step, whether to record or accumulate the job information is determined in accordance with an image forming apparatus to which the job information has been issued, (Column 3 line 50-Column 4 line 2).

**With regard to claim 4,** Gase teaches the method wherein in the determination step, the image forming apparatus to which the job information has been issued is specified in accordance with port information contained in the job information, (Column 4, lines 10-26).

**With regard to claim 5**, Gase teaches the method wherein in the determination step, whether to record or accumulate the job information is determined on the basis of whether the output destination of the job corresponding to the job information is the information processing apparatus or the image forming apparatus, (Column 3 line 50-Column 4 line 2).

**With regard to claims 7 and 14**, Gase teaches the method according to claim 1, wherein in the determination step, whether to record or accumulate the job information is determined on the basis of whether the job information acquired in the acquisition step coincides with a condition contained in a non-recording target database (printer/driver table or library) 36/38 prepared in advance, (Column 3 line 50-Column 4 line 2).

**With regard to claims 8 and 15**, Gase teaches the method wherein the non-recording target database (printer/driver table or library) 36/38 contains non-recording port information not to be recorded or accumulated, and in the determination step, whether to record or accumulate the job information is determined on the basis of whether port information contained in the job information acquired in the acquisition step is the non-recording port information, (Column 3 line 50-Column 4 line 2).

**With regard to claims 9 and 16,** Gase teaches the method wherein the non-recording target database contains non-recording driver information not to be recorded or accumulated, and in the determination step, whether to record or accumulate the job information is determined on the basis of whether driver information contained in the job information acquired in the acquisition step is the non-recording driver information, (Column 3 line 50-Column 4 line 2).

**With regard to claims 10 and 17,** Gase teaches the method according to claim 7, further comprising a registration step of registering in the non-recording target database a condition of job information not to be recorded or accumulated, (Column 4, lines 10-26).

**With regard to claims 11 and 18,** Gase teaches the method according to claim 1, wherein in the determination step, whether to record or accumulate the job information is determined on the basis of whether the job information acquired in the acquisition step coincides with a condition contained in a recording database 36/38 prepared in advance, (Column 3 line 50-Column 4 line 2) in addition , (Column 4, lines 10-26).

**With regard to claims 12 and 19,** Gase teaches the method wherein in the recording/accumulation step, the job information determined in the determination step

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to be recorded is recorded in a database 36/38 in a searchable format, (Column 4, lines 10-26).

**With regard to claims 21 and 22,** Gase teaches an information processing server which records or accumulates job information on a job issued to an image forming apparatus from an information processing client connected to a network, comprising: acquisition means 34,42 for acquiring the job information from the information processing client or the image forming apparatus; determination means 36,38 for determining whether to record the job information acquired by said acquisition means, in accordance with a driver/destination which generates data of the issued job; and recording/accumulation means (printer driver procedure) for recording or accumulating the job information determined by said determination means to be recorded or accumulated, (Column 3 line 50-Column 4 line 26).

**With regard to claim 23,** Gase teaches an information processing system including: an information processing client 10, 12, 14 which issues a job to an image forming apparatus 18, 20, 22 that forms an image in accordance with a received job; and an information processing server 16 which records job information on a job issued from the information processing client to the image forming apparatus, wherein the information processing server comprises a non-recording target database 36,38 which stores a condition for job information not to be recorded, means for registering or



deleting the condition in or from the non-recording target database, and transfer means for transferring the non-recording target database to the information processing client, and the information processing client comprises determination means for determining whether to transmit the job information to the information processing server by looking up the non-recording target database transferred from the information processing server, and transmission means for transmitting the job information determined by said determination means to be transmitted,(Column 4, lines 10-26).

**With regard to claim 24**, Gase teaches the system wherein the information processing client further comprises a non-recording target database which stores a condition for job information not to be recorded, and means for registering or deleting the condition in or from the non-recording target database, and the information processing server further comprises merge means for merging the non-recording target database in the information processing client and the non-recording target database in the information processing server, (Column 4, lines 10-26).

***Allowable Subject Matter***

4. Claims 13 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The following is a statement of

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reasons for the indication of allowable subject matter: The teaching of job information determined in the determination step to be accumulated is extracted and accumulated from pieces of acquired job information was not found in the prior art.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Robertson (US Patent 7,027,175) and Okada (US Patent 6,864,992).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lawrence E. Wills whose telephone number is 571-270-3145. The examiner can normally be reached on Monday-Friday 7:30 AM - 4:00 PM EST.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Eisen can be reached on 571-272-7687. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LEW

August 22, 2007



ALEXANDER EISEN  
SUPERVISORY PATENT EXAMINER